

**AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawings includes changes to Figure 5. The word “DREATER” should read “GREATER”.

Attachment:      Replacement sheet

### **REMARKS**

Claims 1-11 are pending in this application. Claim 1 is independent. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner objected to the Abstract and the drawings. The Examiner further rejected claim 2 under 35 U.S.C. §112, second paragraph; rejected claims 1-3 under 35 U.S.C. §102(e) as being anticipated by Sukegawa et al. (USP 7,120,278); rejected claims 1, 4-8 and 11 under 35 U.S.C. §102(b) as being anticipated by Chen (USP 5,761,329); and rejected claims 9-10 under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Sukegawa et al. Applicant respectfully traverses these rejections.

#### **Objection to Abstract**

The Examiner objected to the Abstract asserting it exceeds 150 words. By this amendment, Applicant has amended the abstract. Based on this amendment, it is respectfully submitted that the outstanding objection be withdrawn.

#### **Objection to Drawings**

The Examiner objected to the Drawings based on a typographical error in Fig. 5. By this amendment, Applicant has amended Fig. 5 to correct the typographical error. Based on this amendment, it is respectfully submitted that the outstanding objection be withdrawn.

### **Claim Rejections – 35 U.S.C. §112, second paragraph**

The Examiner rejected claim 2 based on improper antecedent basis. By this amendment, Applicant has amended claim 2 to correct the antecedent error. Based on this amendment, it is respectfully submitted that the outstanding rejection be withdrawn.

### **Prior Art Rejections**

By this amendment, Applicant has amended claim 1 to recite, *inter alia*, an authentication apparatus for certifying a user using a picture registered in a memory, an authentication unit wherein said authentication unit certifies said user by respectively cutting a mouth of said user from the plurality of frame pictures, calculating and comparing the plurality of the differences of the cut user's mouth, and comparing a movement of the user's mouth in the animated image acquired from said memory and a movement of the user's mouth in the animated images taken by said image pickup unit, and wherein the authentication unit certifies a user by respectively cutting a mouth of the user from the plurality of frame pictures when he speaks a word.

As can be seen from the above claim, the mouth is the part of the face that moves the most when a user speaks. As such, when someone is imitating a user, the degree of coincidence of the mouth's movement is decreased when comparing the degree of confidence with respect to the overall face. Thus, the authentication unit as recited in the claim can certify a user with high precision.

In contrast, the disclosure of Sukegawa et al. is directed to a person recognition apparatus. At col. 35, lines 5-29, Sukegawa et al. discloses evaluating a difference indicating the motion of a face. However, Sukegawa et al. fails to teach or suggest cutting a mouth of the user when he speaks a word from the plurality of frame pictures, calculating and comparing the plurality of differences of the cut user's mouth and comparing the movement of the user's mouth.

Chen fails to cure the deficiencies of the teachings of Sukegawa et al. as Chen fails to teach or suggest these claim elements. Further, as neither of the cited references teach or suggest these claim elements, the combination of the teachings of the cited references cannot accomplish the advantages as that of the claimed invention.

For these reasons, Applicant respectfully submits that claim 1, as amended, is not obvious over the references as cited, as the cited references fail to teach or suggest all of the claim elements. Thus, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-11 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

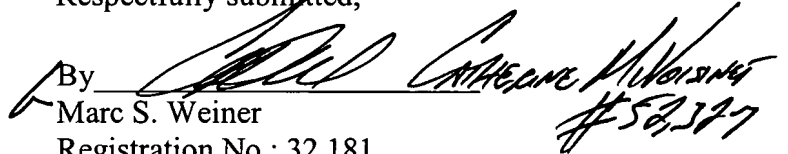
#### Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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Attachments